

House File 2366

S-5072

1 Amend House File 2366, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 44.4, subsection 1, Code 2014,  
5 is amended to read as follows:

6 1. Nominations made pursuant to this chapter and  
7 chapter 45 which are required to be filed in the office  
8 of the state commissioner shall be filed in that office  
9 not more than ninety-nine days nor later than 5:00 p.m.  
10 on the eighty-first day before the date of the general  
11 election to be held in November. Nominations made for  
12 a special election called pursuant to section 69.14  
13 shall be filed by 5:00 p.m. not less than twenty-five  
14 days before the date of an election called upon at  
15 least forty days' notice and not less than fourteen  
16 days before the date of an election called upon at  
17 least eighteen days' notice. Nominations made for a  
18 special election called pursuant to section 69.14A  
19 shall be filed by 5:00 p.m. not less than twenty-five  
20 days before the date of the election. Nominations  
21 made pursuant to this chapter and chapter 45 which are  
22 required to be filed in the office of the commissioner  
23 shall be filed in that office not more than ninety-two  
24 days nor later than 5:00 p.m. on the sixty-ninth day  
25 before the date of the general election. Nominations  
26 made pursuant to this chapter or chapter 45 for city  
27 office shall be filed not more than seventy-two days  
28 nor later than 5:00 p.m. on the forty-seventh day  
29 before the city election with the ~~city clerk~~ county  
30 commissioner of elections responsible under section  
31 47.2 for conducting elections held for the city, who  
32 shall process them as provided by law.

33 Sec. \_\_\_\_\_. Section 44.4, subsection 2, paragraph a,  
34 subparagraphs (2) and (3), Code 2014, are amended to  
35 read as follows:

36 (2) Those filed with the commissioner, not less  
37 than sixty-four days before the date of the election,  
38 except as provided in subparagraph (3).

39 (3) Those filed with the ~~city clerk~~ commissioner  
40 for an elective city office, at least forty-two  
41 days before the regularly scheduled or special  
42 city election. However, for those cities that may  
43 be required to hold a primary election, at least  
44 sixty-three days before the regularly scheduled or  
45 special city election.

46 Sec. \_\_\_\_\_. Section 44.7, Code 2014, is amended to  
47 read as follows:

48 **44.7 Hearing before commissioner.**

49 Objections Except as otherwise provided in section  
50 44.8, objections filed with the commissioner shall be

1 considered by the county auditor, county treasurer,  
2 and county attorney, and a majority decision shall  
3 be final, ~~but~~. However, if the objection is to the  
4 certificate of nomination of one or more of the above  
5 named county officers, the officer or officers objected  
6 to shall not pass upon the objection, but their places  
7 shall be filled, respectively, by the chairperson of  
8 the board of supervisors, the sheriff, and the county  
9 recorder.

10 Sec. \_\_\_\_\_. Section 44.8, Code 2014, is amended to  
11 read as follows:

12 **44.8 Hearing before mayor.**

13 1. Objections filed with the city clerk pursuant to  
14 section 362.4 or with the commissioner for an elective  
15 city office shall be considered by the mayor and clerk  
16 and one member of the council chosen by the council  
17 by ballot, and a majority decision shall be final,  
18 but. However, if the objection is to the certificate  
19 of nomination of either of those city officials, that  
20 official shall not pass upon ~~said~~ the objection, but  
21 the official's place shall be filled by a member of the  
22 council against whom no such objection exists, chosen  
23 as above provided.

24 2. The hearing shall be held within twenty-four  
25 hours of the receipt of the objection if a primary  
26 election must be held for the office sought by the  
27 candidate against whom the objection has been filed.

28 Sec. \_\_\_\_\_. Section 44.9, subsections 2 and 6, Code  
29 2014, are amended to read as follows:

30 2. In the office of the proper commissioner, at  
31 least sixty-four days before the date of the election,  
32 except as otherwise provided in subsection 6.

33 6. In the office of the proper ~~city clerk~~  
34 commissioner, at least forty-two days before the  
35 regularly scheduled or special city election. However,  
36 for those cities that may be required to hold a primary  
37 election, at least sixty-three days before a regularly  
38 scheduled or special city election.

39 Sec. \_\_\_\_\_. Section 44.11, Code 2014, is amended to  
40 read as follows:

41 **44.11 Vacancies filled.**

42 If a candidate named under this chapter withdraws  
43 before the deadline established in section 44.9,  
44 declines a nomination, or dies before election day, or  
45 if a certificate of nomination is held insufficient or  
46 inoperative by the officer with whom it is required  
47 to be filed, or in case any objection made to a  
48 certificate of nomination, or to the eligibility of any  
49 candidate named in the certificate, is sustained by  
50 the board appointed to determine such questions, the

1 vacancy or vacancies may be filled by the convention,  
2 or caucus, or in such manner as such convention  
3 or caucus has previously provided. The vacancy or  
4 vacancies shall be filled not less than seventy-four  
5 days before the election in the case of nominations  
6 required to be filed with the state commissioner, not  
7 less than sixty-four days before the election in the  
8 case of nominations required to be filed with the  
9 commissioner, not less than thirty-five days before  
10 the election in the case of nominations required to be  
11 filed in the office of the school board secretary, and  
12 not less than forty-two days before the election in the  
13 case of nominations required to be filed with the ~~city~~  
14 ~~clerk~~ commissioner for city elections.>

15 2. Page 1, line 33, after <election.> by inserting  
16 <If the council fails to make an appointment within  
17 sixty days as required by this subsection, the city  
18 clerk shall give notice of the vacancy to the county  
19 commissioner and the county commissioner shall  
20 call a special election to fill the vacancy at the  
21 earliest practicable date but no fewer than thirty-two  
22 days after the notice is received by the county  
23 commissioner.>

24 3. Page 3, after line 7 by inserting:

25 <Sec. \_\_\_\_ . Section 376.4, subsection 1, paragraph  
26 a, Code 2014, is amended to read as follows:

27 a. An eligible elector of a city may become a  
28 candidate for an elective city office by filing  
29 with the ~~city clerk~~ county commissioner of elections  
30 responsible under section 47.2 for conducting elections  
31 held for the city a valid petition requesting that the  
32 elector's name be placed on the ballot for that office.  
33 The petition must be filed not more than seventy-one  
34 days and not less than forty-seven days before the  
35 date of the election, and must be signed by eligible  
36 electors equal in number to at least two percent of  
37 those who voted to fill the same office at the last  
38 regular city election, but not less than ten persons.  
39 However, for those cities which may be required to hold  
40 a primary election, the petition must be filed not more  
41 than eighty-five days and not less than sixty-eight  
42 days before the date of the regular city election.  
43 Nomination petitions shall be filed not later than 5:00  
44 p.m. on the last day for filing.

45 Sec. \_\_\_\_ . Section 376.4, subsections 3, 4, and 5,  
46 Code 2014, are amended to read as follows:

47 3. ~~If the city clerk is not readily available~~  
48 ~~during normal office hours, the city clerk shall~~  
49 ~~designate other employees or officials of the city who~~  
50 ~~are ordinarily available to accept nomination papers~~

1 ~~under this section.~~ On the final date for filing  
2 nomination papers the office of the ~~city clerk~~ county  
3 commissioner shall remain open until 5:00 p.m.

4 4. ~~The city clerk~~ county commissioner shall  
5 review each petition and affidavit of candidacy  
6 for completeness following the standards in section  
7 45.5 and shall accept the petition for filing if on  
8 its face it appears to have the requisite number of  
9 signatures and if it is timely filed. ~~The city clerk~~  
10 county commissioner shall note upon each petition and  
11 affidavit accepted for filing the date and time that  
12 they were filed. ~~The clerk~~ county commissioner shall  
13 return any rejected nomination papers to the person on  
14 whose behalf the nomination papers were filed.

15 5. Nomination papers filed with the ~~city clerk~~  
16 county commissioner shall be available for public  
17 inspection.

18 5A. The city clerk shall deliver ~~all nomination~~  
19 ~~papers together with~~ the text of any public measure  
20 being submitted by the city council to the electorate  
21 to the county commissioner of elections ~~on the~~  
22 day following no later than the last day on which  
23 nomination petitions can be filed, and not later than  
24 5:00 p.m. on that day.

25 Sec. \_\_\_\_\_. Section 376.11, subsections 3, 4, and 5,  
26 Code 2014, are amended to read as follows:

27 3. In city primary elections any person who  
28 receives write-in votes shall execute an affidavit in  
29 substantially the form required by section 45.3, and  
30 file it with the county commissioner of elections ~~or~~  
31 ~~the city clerk~~ not later than 5:00 p.m. on the day  
32 after the canvass of the primary election. If any  
33 person who received write-in votes fails to file the  
34 affidavit at the time required, the county commissioner  
35 shall disregard the write-in votes cast for that  
36 person. A notation shall be made on the abstract of  
37 votes showing which persons who received write-in  
38 votes filed affidavits. The total number of votes  
39 cast for each office on the ballot shall be amended  
40 by subtracting the write-in votes of those candidates  
41 who failed to file the affidavit. It is not necessary  
42 for a candidate whose name was printed upon the ballot  
43 to file an affidavit. Of the remaining candidates,  
44 those who receive the highest number of votes to the  
45 extent of twice the number of unfilled positions shall  
46 be placed on the ballot for the regular city election  
47 as candidates for that office.

48 4. In cities in which the city council has chosen a  
49 runoff election in lieu of a primary, if a person who  
50 was elected by write-in votes chooses not to accept the

1 office by filing a resignation notice with the ~~city~~  
2 ~~clerk or~~ commissioner of elections not later than 5:00  
3 p.m. on the day following the canvass, all remaining  
4 persons who received write-in votes and who wish  
5 to be considered candidates for the runoff election  
6 shall execute an affidavit in substantially the form  
7 required by section 45.3 and file it with the county  
8 commissioner ~~or the city clerk~~ not later than 5:00 p.m.  
9 of the fourth day following the canvass. If a person  
10 receiving write-in votes fails to file the affidavit  
11 at the time required, the county commissioner of  
12 elections shall disregard the write-in votes cast for  
13 that person. The abstract of votes shall be amended to  
14 show that the person who was declared elected declined  
15 the office and a notation shall be made next to the  
16 names of those persons who did not file the affidavit.  
17 A runoff election shall be held with the remaining  
18 candidates who have the highest number of votes to the  
19 extent of twice the number of unfilled positions.  
20 5. In a city in which the council has chosen a  
21 runoff election, if no person was declared elected for  
22 an office, all persons who received write-in votes  
23 shall execute an affidavit in substantially the form  
24 required by section 45.3 and file it with the county  
25 commissioner of elections ~~or the city clerk~~ not later  
26 than 5:00 p.m. on the day following the canvass of  
27 votes. If any person who received write-in votes fails  
28 to file the affidavit, the county commissioner of  
29 elections shall disregard the write-in votes cast for  
30 that person. The abstract of votes shall be amended to  
31 note which of the write-in candidates failed to file  
32 the affidavit. A runoff election shall be held with  
33 the remaining candidates who have the highest number  
34 of votes to the extent of twice the number of unfilled  
35 positions.>  
36 4. By renumbering, redesignating, and correcting  
37 internal references as necessary.

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COMMITTEE ON STATE GOVERNMENT  
JEFF DANIELSON, CHAIRPERSON